THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7911 OF 2006

14.06.2006

Between:

Pappu Krishna Reddy, S/o.Bathi Reddy

And others

… Petitioners

AND

The District Collector, Nellore, Nellore District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7911 OF 2006

ORDER:

The three petitioners are residents of Chinnappareddypalli Village of Venkatagiri Mandal in Nellore District. It is alleged that the father of the first petitioner was assigned land admeasuring Acs.1.25 in survey No.222-1B situated in Kalavalapudi in 1970, that the second respondent was assigned an extent of Acs.0.70 in survey No.232-2D and Acs.0.25 in survey No.232-2P in 1972 and that the third petitioner purchased an extent of Acs.0.89 in survey No.232-1 in 1979. They also allege that they are in possession of the land and cultivating paddy and groundnut by drawing water from irrigation tank. It is their case that some persons belonged to rival political party approached the third respondent with a request to lay road on the petitioners' land and hence the third respondent sent his subordinates to demarcate the land and fix the boundaries for laying road. According to the petitioners, the land was surveyed on 11.4.2006. Therefore, apprehending coercive dispossession, they filed the present writ petition seeking a writ of Mandamus declaring the action of the third respondent in laying the road across the petitioners' lands without due process of law as illegal and arbitrary and for a consequential direction to the respondents not to take up the road work.

The matter was initially listed before this Court on 20.4.2006 and on 21.4.2006. At the request of learned Counsel for the petitioners, the matter was adjourned. Again when the matter was listed on 27.4.2006, the learned Assistant Government Pleader for Revenue (General) on instructions submits that part of the land in survey No.222 is a cart track passing through various patta lands and that the same is being strengthened. The allegation that the petitioners' land is being used for road is denied. Therefore, this Court adjourned the matter to enable the learned Assistant Government Pleader to file the counter affidavit.

Today, a counter affidavit is filed. It is stated that the land, which was assigned to the father of the first petitioners is being enjoyed by the first petitioner and that the respondents have not cancelled the assignment. The land in survey No.222-1A admeasuring Acs.0.10 was assigned to Pagala Jayarami Reddy and the land admeasuring Acs.1.25 in the same survey number was assigned to Neelakanta Reddy. The third petitioner purchased the land in violation of Section 3 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). Further the land in survey No.232-2D was assigned to Puli Gunna Reddy, which was subsequently purchased by the second petitioner. Therefore, following due process of law, the land was resumed in accordance with the proceedings dated 29.1.2006 and possession was also resumed on 20.3.2006. It is also stated that the petitioners 1 and 2 refused to receive notice issued under the Act. The allegation that the road is being laid is denied.

Denying the allegation of laying road, it is stated as under.

> In reply to para 4, it is respectfully submitted that, it is incorrect to say that the road was formed afresh. Already the Donka (Cart track) was existing from Chinnarepparedipalli H/o Kalavalapudi Village towards Southern side from S.No.183, 235, 236, upto S.No.233, which are classified as poramboke as per Village account of Kalavalapudi Village. The Cart track in these S.Nos. are intact. The cart track in S.No.232, 222, 269, 268, 267 and 260 upto Cart track of Chiyyavaram Village, Thottambedu Mandal, Chittoor District as per Village F.M.B. and Village plan of Kalavalapudi Village was also existing and the same forms part of the resumed land. The petitioners have no right to disturb the Cart Track existing since 40 years.

Learned Counsel for the petitioners vehemently argued that the respondents are laid the road in the land belonged to the petitioners at the behest of rivals of the petitioners and that the third respondent took up the work without issuing notice. In the counter affidavit filed, all these allegations are denied. Further, when the petitioners 1 and 2 purchased the land in contravention of the provisions of the Act, the Mandal Revenue Officer, Venkatagiri Mandal (MRO) issued orders resuming the land. The remedy of the petitioners lies in obtaining copy of the proceedings and filing appeal before the Revenue Divisional Officer, Gudur, under Section 4A of the Act. Insofar as the allegation that road is being laid in the land, the same stands rebutted by the counter affidavit and there is no reason to disbelieve the same.

The writ petition is misconceived and is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

June 14, 2006

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